

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LARRY E. WINDEKNECHT,

Plaintiff(s),

v.

RUTH EDGARS, et al.,

Defendant(s).

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Case No. 4:22-cv-00266-SRC

Memorandum and Order

This matter comes before the Court on Plaintiff Larry Windeknecht's post-dismissal motion to amend complaint. Doc. 8. Windeknecht is a civilly committed resident at the Sex Offender and Rehabilitation Treatment Services Center (SORTS). In March 2022, Windeknecht filed this 42 U.S.C. § 1983 lawsuit, principally alleging that Defendant Edgars, a SORTS security aid "committed the offense of sexual assault" by "reaching through a cracked door and grabbing and clutching" plaintiff's penis and testicles while "doing a facial headcount." Doc. 1 at ¶ 11.

The Court reviewed Windeknecht's complaint pursuant to 28 U.S.C. § 1915. On review, the Court determined that Windeknecht failed to state a claim and dismissed his complaint without prejudice. Docs. 6, 7. Windeknecht now moves to amend his complaint. Doc. 8. However, Windeknecht did not attach a copy of a proposed amended complaint to his motion. Windeknecht asserts in his motion that "[his] access to legal materials is currently very limited and restricted." *Id.* at p. 1. He therefore seeks forty-five (45) to sixty (60) days to file a post-dismissal amended complaint. *Id.* at p. 2.

Because Windeknecht fails to submit a proposed amended complaint, the Court cannot determine the merit of his motion. If Windeknecht wishes to move for leave to amend his complaint, he must attach to his motion a proposed amended complaint written on a court form. *See Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 497 (8th Cir. 2008) (finding it appropriate to deny leave to amend a complaint when a proposed amendment was not submitted with the motion). Because Windeknecht has not submitted a proposed amended complaint for the Court's consideration, the Court denies his post-dismissal [8] motion to amend complaint.

So Ordered this 27th day of June 2022.


STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE